

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): S. OSHIMA, et al

Serial No.: 10/755,283

Filed: January 13, 2004

For: METHOD FOR MONITORING FAULT OF OPERATING
SYSTEM AND APPLICATION PROGRAM

Group: 2114

Examiner: J. A. Lohn

RESPONSE**MS Amendment**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

May 1, 2006

Sir:

The present application has pending claims 1-17.

Claims 1-3, 6-8, 11, 14 and 15 stand rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1-3, 5-7 and 8 of U.S. Patent No. 6,697,972. Applicants do not agree with this rejection. However, in order to expedite prosecution of the present application filed on even date herewith is a Terminal Disclaimer obviating this rejection. Therefore, reconsideration and withdrawal of this rejection is respectfully requested.

It should be noted that the filing of the Terminal Disclaimer was not intended nor should it be considered as an agreement on Applicants part that the features recited in claims 1-3, 6-8, 11, 14 and 15 are taught or suggested by claims 1-3, 5-7 and 8 of the prior patent. The filing of the Terminal

Disclaimer was simply intended to expedite prosecution of the present application.

Applicants acknowledge the Examiner's indication in the Office Action that claims 4, 5, 9, 10, 12, 13, 16 and 17 contain allowable subject matter.


Applicants note that the Examiner did not reject claims 1-3, 6-8, 11, 14 and 15 over any of the other references of record besides the rejection under the judicially created doctrine of obviousness type double patenting. Since a Terminal Disclaimer was filed so as to obviate the judicially created doctrine of obviousness type double patenting rejection, no other outstanding rejections remain with respect to claims 1, 3-5, 6-8, 11, 14 and 15. Therefore, claims 1-3, 6-8, 11, 14 and 15 are allowable over the prior art of record.

In view of the foregoing amendments and remarks, applicants submit that claims 1-17 are in condition for allowance. Accordingly, early allowance of claims 1-17 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (500.38928CX1).

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.



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